

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**PABLO REZA LANDIN,
RAUL JIMINEZ, AND
SCOTT D. FREESE,**

Defendants.

8:05CR131

ORDER

This matter is before the court on the motion of Pablo Reza Landin to continue trial (#31) based on current defense counsel's "recent" retention. I note that defendant's present attorneys entered their appearances over one month ago, and discovery materials were forwarded to them by prior counsel on December 5, 2005. At that time they were retained, counsel were or should have been aware that the case had been specially set for trial the week of January 30, 2006. The court will not continue this special setting based on speculation that defense counsel "may also have to request additional time to consider filing pretrial motions."

IT IS ORDERED that the MOTION TO CONTINUE TRIAL (#31) is denied.

Pursuant to NECrimR 57.2, a party may appeal this order by filing a "Statement of Appeal of Magistrate Judge's Order" on or before **January 13, 2006**. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order is clearly erroneous or contrary to law. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. *See* NECrimR 57.2(d).

DATED January 11, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**